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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,298	07/12/2005	Nikolaus Schunk	MAIKP174WOUS	4907
51092 7590 09/25/2007 ESCHWEILER & ASSOCIATES LLC 629 EUCLID AVENUE, SUITE 1000 NATIONAL CITY BUILDING CLEVELAND, OH 44114			EXAMINER KIANNI, KAVEH C	
			ART UNIT 2883	PAPER NUMBER
			NOTIFICATION DATE 09/25/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing@eschweilerlaw.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/507,298	Applicant(s) SCHUNK, NIKOLAUS	
	Examiner Kianni C. Kaveh	Art Unit 2883	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: 6, 7 and 13.
- Claim(s) objected to: 21.
- Claim(s) rejected: 1-5, 8-12, 14-18 and 21.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

K. CYRUS KIANNI
 PRIMARY PATENT EXAMINER



Continuation of 11. does NOT place the application in condition for allowance because: The Applicant's arguments are directed to limitations that the Examiner has already repounded in paper No. 10 as follows:


Applicant's argument have been fully considered but they are not persuasive. Applicant alleges that neither Althaus nor Isono teach the following limitations: an electrical drive and/or receiving circuit coupled to the transmitting and/or receiving element, wherein the submount can be mounted on a main circuit board as a surface mount device; wherein the electrical control and/or receiving circuit is arranged outside the holding and coupling part on a submount, which lies on a plane that runs parallel to the longitudinal axis of the coupling area; and wherein the mount is arranged at right angles to the submount; wherein the holding and coupling part forms a cylindrical cutout, one of whose ends contains the transmitting and/or receiving element, and whose other end forms the coupling area for an optical waveguide; and that further Isono does not teach wherein the mount is a leadframe, which provides an electrical link for the transmitting and/or receiving element and is electrically connected to the submount.

The Examiner responds that indeed Althaus teaches an electrical drive and/or receiving circuit 27 coupled to the transmitting and/or receiving element (see fig. 9, item control/drive circuit 27 and col. 9, last parag.-col. 10, 2nd parag.); wherein the submount can be mounted on a main circuit board as a surface mount device (see at least fig. 9, item main control/drive circuit and col. 9, line 55-col. 10, line 24);

wherein the electrical control and/or receiving circuit is arranged outside the holding and coupling part on a submount, which lies on a plane that runs parallel to the longitudinal axis of the coupling area (shown in at least figures 1, 3, 9 and 10, item circuit/receiving circuit arranged outside the holding and/or coupling part on a submount) and wherein the mount is arranged at right angles to the submount (as shown in at least fig. 3, items 21 and 191 in which mount with respect to submount is in right angles); herein the holding and coupling part forms a cylindrical cutout, one of whose ends contains the transmitting and/or receiving element, and whose other end forms the coupling area for an optical waveguide (shown in at least fig. 1)

And that Isono also teaches an electrical drive and/or receiving circuit coupled to the transmitting and/or receiving element (see at least fig. 10 and parag. 61 of detailed disclosure); wherein the submount can be mounted on a main circuit board as a surface mount device (shown in at least fig. 4-5); wherein the electrical control and/or receiving circuit is arranged outside the holding and coupling part on a submount, which lies on a plane that runs parallel to the longitudinal axis of the coupling area (shown in at least figures 4-5 item circuit/receiving circuit arranged outside the holding and coupling part on a submount) and wherein the mount is arranged at right angles to the submount (as shown in at least fig. 3, items mount with respect to submount is in right angles); wherein the mount is a leadframe, which provides an electrical link for the transmitting and/or receiving element and is electrically connected to the submount (shown in at least fig. 1, item 12/12a)

Applicant is kindly advised to appropriately narrow the scope of the invention in order to allow the case..


K. CYRUS KIANNI
PRIMARY PATENT EXAMINER